

CARLSMITH BALL LLP

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Attorneys for Plaintiff and Counterclaim-Defendant
Hanson Permanente Cement of Guam

FILED
DISTRICT COURT OF GUAM

JAN 31 2005

MARY L.M. MORAN
CLERK OF COURT

12

IN THE DISTRICT COURT OF GUAM

HANSON PERMANENTE
CEMENT OF GUAM,

Plaintiff,

vs.

KRAFTPAK, LIMITED and
BRUCE ANSLEY, personally,

Defendants.

CIVIL CASE NO. 04-00042

**ANSWER TO COUNTERCLAIM;
DECLARATION OF SERVICE**

KRAFTPAK, LIMITED,

Counterclaim-Plaintiff,

vs.

HANSON PERMANENTE
CEMENT OF GUAM,

Counterclaim-Defendant.

COUNTERCLAIM DEFENDANT'S ANSWER TO
KRAFTPAK LIMITED'S COUNTERCLAIM

Counterclaim Defendant Hanson Permanente Cement of Guam ("Hanson"), by and through its attorneys Carlsmith Ball LLP, answers Kraftpak, Limited's ("Kraftpak") Counterclaim as follows:

1. Hanson admits the allegations contained in paragraphs 1 and 2.
2. Hanson denies the allegations contained in paragraphs 3, 4, 6, 7, 9, 10 and 11.
3. With respect to incorporation paragraphs 5 and 8 of the Counterclaim, Hanson reincorporates its prior responses to the paragraphs referred to herein.
4. In the event there is any allegation in the Complaint which Hanson failed to address above, then all such allegations are denied.

DEFENSES

1. The cause of action fails to state a claim upon which relief can be granted.
2. The Counterclaim is barred in whole or in part by accord and satisfaction, estoppel, breach of contract, release, payment, waiver, discharge, laches and unclean hands.

WHEREFORE Counterclaim Defendant Hanson requests relief against Counterclaim Plaintiff Kraftpak be denied.

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Hanson, as the Counterclaim Defendant in the Counterclaim, also prays that Kraftpak take nothing by its Counterclaim and that Judgment on Plaintiff's Complaint be entered in favor of Hanson and against Kraftpak as well as costs, reasonable attorneys fees and other relief deemed appropriate by the Court.

DATED: Hagåtña, Guam, January 31, 2005.

CARLSMITH BALL LLP



DAVID LEDGER
JOSEPH C. RAZZANO
Attorneys for Plaintiff and
Counterclaim-Defendant
Hanson Permanente Cement of Guam

DECLARATION OF SERVICE

I, David Ledger, hereby declare, under the penalty of perjury of the laws of the United States, that on the 31st day of January 2005, I caused to be served, via hand delivery, a true and correct copy of the foregoing ANSWER TO COUNTERCLAIM; DECLARATION OF SERVICE upon:

Robert J. O'Connor, Esq.
Berman O'Connor Mann & Shklov
Suite 503, Bank of Guam Building
111 Chalan Santo Papa
Hagåtña, Guam 96910

Executed this 31st day of January 2005 at Hagåtña, Guam.



DAVID LEDGER